



C.R.P.(NPD).No.290 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).No.290 of 2021

Balu @ Chinnasamy

... Petitioner

VS

Ravishankar

... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 23.09.2020 made in I.A.No.01 of 2019 in Unnumbered A.S.No. of 2019 on the file of the Principal District Court, Dharmapuri by allowing this Civil Revision Petition.

For Petitioner : Mr.K.Sathish Kumar

For Respondent : Not Ready in Notice

ORDER

The Civil Revision Petition is filed challenging the order passed by the First Appellate Court dismissing the application filed by the petitioner seeking to condone the delay of 753 days in filing first appeal.



2. The petitioner herein filed a suit for recovery of money against the respondent and the same was dismissed on 22.12.2016. Thereafter, the petitioner filed an appeal challenging the decree passed by the Trial Court during January-2019 with a delay of 753 days. The First Appellate Court not satisfied with the reasons assigned by the petitioner, dismissed the condone the delay petition. Aggrieved by the same, the petitioner is before this Court.

3. In the affidavit filed in support of the condone delay petition, it was stated by the petitioner that at the relevant point of time he was suffering from diabetics and blood pressure and he had taken native treatment for the same.

4. The said application was opposed by the respondent on the ground that at the relevant point of time the petitioner appeared before the Court in respect of other cases and hence, the reason assigned in the affidavit is not correct.

5. The petitioner was examined as PW.1 in the condone delay petition. During the cross examination, he clearly admitted that he appeared before the



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other Court and conducted cases in the very same Court Complex. Therefore, it is clear the petitioner appeared before other Courts in the very same Court Complex and conducted other cases. Further, the reason stated by the petitioner that he had taken native treatment for diabetics and blood pressure and hence, there was a delay of nearly two years in filing appeal is not acceptable to this Court.

6. Accordingly, the Civil Revision Petition is dismissed. No costs.

04.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Principal District Court,
Dharmapuri.



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S.SOUNTHAR, J.

dm

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